

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SENITECH INC. and
DONALD W. BERRIAN,
Plaintiffs,

v.

TIME & TEMPERATURE COMPANY
d/b/a TIME 'N TEMPERATURE
CORPORATION
Defendant.

Case No. 04-11483 (MLW)

**PLAINTIFFS' MOTION FOR LEAVE TO FILE
A FOUR-PAGE SURREPLY MEMORANDUM**


In its initial briefing papers, TnT omitted discussing many of its multiple contacts here in Massachusetts related to its products accused of infringing the patent at issue. TnT's attempt now to refute some of those contacts in its Reply papers will go uncontested by plaintiffs and may prejudice them, absent a further response.

To address TnT’s “new” allegations and to assist the Court in resolving these jurisdictional and venue questions, plaintiffs respectfully request, pursuant to Local Rule 7.1(B)(3), leave to file the attached, four-page Surreply brief.

Respectfully submitted,

SENSITECH, INC. and DONALD W. BERRIAN

By their attorneys,

By their attorneys,

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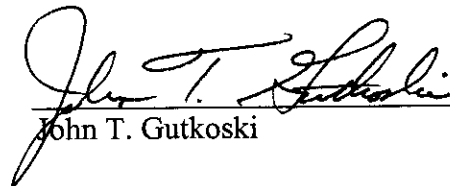
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September 20, 2004

CERTIFICATE OF CONSULTATION

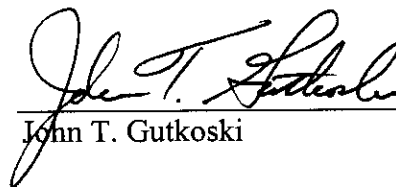
Pursuant to Local Rule 7.1(A)(2), I hereby certify that I contacted local counsel for defendant on Friday, September 17, 2004 seeking to narrow the issues raised by this motion. By today, Monday, September 20, 2004, I have received no reply to my inquiry.



John T. Gutkoski

CERTIFICATE OF SERVICE

I, John T. Gutkoski, do hereby certify that I have served the foregoing by causing copies to be hand delivered to Thomas C. O'Konski, Esq., Cesari and McKenna, LLP, 88 Black Falcon Avenue, Boston, Massachusetts 02110 on this 20th day of September, 2004.



John T. Gutkoski